IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2652 of 2007

CRIME NO.92/05 OF NEDUMANGADU POLICE STATION

.....

PETITIONER/ACCUSED:

SANALKUMAR, AGED 25 YEARS,
S/O.KRISHNAN, AYANIMOODU
THADATHARIKATHU VEEDU,
KOODALIE BHAGOM, ARYANADU,
NEDUMANGAD, TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRABABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2652 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.92/05 of Nedumangadu Excise Range, consequent on detection and seizure of 1800 litres of wash stocked in barrels at about 11.50 a.m. on 25.11.2005. It is submitted that no arrest was made at the time of detection of the offence and that the name of the petitioner was later included as an accused. Despite registration of the crime as early as on 25.11.2005, the Investigating Agency could not effect arrest of the accused and it appears that without the assistance of the court, the Investigating Agency will not be able to apprehend the accused.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees fifteen thousand and executing bail bond for Rupees twenty five thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the

Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv